

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10611 of 2023**

Arising Out of PS. Case No.-47 Year-2022 Thana- BIHARIGANJ District- Madhepura

MITHUN KUMAR Son of Sri Badal Yadav @ Rajkishor Yadav Resident of
Village- Parmanandpur, P.S.- Bihariganj Nagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 15.07.2022
in connection with Bihariganj P.S. Case No. 47/2022, F.I.R. dated
20.02.2022, for the offences punishable under Sections 302,
120(b), 34 of the IPC & Section 27 of the Arms Act.

According to prosecution case, three unknown criminals
shot dead the husband of the informant namely Pradeep Sah when
he was going to see his newly constructed house.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case only on
the basis of suspicion. He further submits that in fact the petitioner
is not named in the F.I.R. The name of the petitioner has been
transpired during investigation on the basis of confessional



statement of the co-accused and self confession of the petitioner and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated co-accused person, namely, Sumit Kumar has been granted bail by this Court vide order dated 15.03.2023 passed in Cr. Misc. No.43485/2022, other co-accused, namely, Nikhil Kumar @ Manish Kumar has been granted bail vide order dated 28.03.2023 passed in Cr. Misc. No.1662/2023 and other co-accused namely, Prahlad Mandal @ Prahalad Kumar has been granted bail vide order dated 04.04.2023 passed in Cr. Misc. No. 56819/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.07.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in both the cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.1st Class,



Udakishunganj, Madhepura in connection with Bihariganj P.S.
Case No.47/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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